

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

<div style="display: flex; justify-content: space-between;"><div style="width: 80%;"><p>THOMAS E. PEREZ, successor to SETH D. HARRIS, Acting Secretary of Labor, United States Department of Labor, Plaintiff, v. EL RANCHO, INC., GRAN FIESTA, INC., And WRGRM, LLC, CORPORATIONS, And FRANCISCO MAGANA, and JUAN HERNANDEZ, INDIVIDUALS, Defendants.</p></div><div style="width: 10%; text-align: center;">:</div></div>	:	<p>Civil Action No. 3:12-cv-00295-TMR</p> <p>Judge Rose</p>
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CONSENT JUDGMENT

Plaintiff has filed her complaint and Defendants, after answering and without admitting any of the allegations in the complaint, without further pleadings agree to the entry of this Judgment in accordance with the Stipulation between the parties filed herein. It is therefore, upon motion of the attorney for Plaintiff, and for cause shown:

ORDERED, ADJUDGED, AND DECREED that Defendants, their agents, servants, employees and those in active concert with them, are permanently enjoined and restrained from violating the provisions of §15(a)(2) and §15(a)(5) of the Fair Labor Standards Act of 1938, hereinafter referred to as the Act, in any of the following manners:

(1) Defendants shall not, contrary to Section 6 of the Act, pay any of their employees engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of the Act as aforesaid, wages at less than the applicable minimum wage.

(2) Defendants shall not, contrary to Section 7 of the Act, employ any of their employees engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, as defined by the Act, for workweeks longer than forty (40) hours, unless the employee receives compensation for his employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he is employed.

(3) Defendants shall not fail to make, keep and preserve records of their employees, and of the wages, hour and other conditions and practices of employment maintained by them, as prescribed by the regulations of the Administrator or the Secretary of Labor issued, and from time to time amended, pursuant to Section 11(c) of the Act, and found in Title 29, Chapter V, Code of Federal Regulations, Part 516.


It is FURTHER ORDERED that the Plaintiff recover from Defendant the total sum of \$58,710.08 in back wages and interest, for which execution may issue, to be distributed to Defendants' employees listed in the Exhibit "A" attached hereto in the amounts set forth following each employee's name.

Defendants shall make payment to the Plaintiff for disbursement as prescribed by law, in accordance with the parties' settlement agreement. Any money not so distributed by the Plaintiff within a reasonable time because of Plaintiff's failure to locate the proper person or because of such person's refusal to accept such money shall be covered into the Treasury of the United States as miscellaneous receipts. It is further ORDERED, ADJUDGED, AND DECREED that the Exhibit "A" attachment to this judgment be, and hereby is incorporated in and made a part of this Judgment.

Defendants shall not request, solicit, suggest, or coerce, directly or indirectly, any employee to return or offer to return to the Defendants or to someone else for the Defendants, any money in the form of cash, check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this Judgment or the Act; nor shall Defendants accept, or receive from any employee, either directly or indirectly, any money in the form of cash, check, or any other form, for wages heretofore or hereafter paid to said employee under the provisions of this judgment or the Act except to the extent such funds are deposited in an employee's 401(k) account; nor shall Defendants discharge or in any other manner discriminate, nor solicit or encourage anyone else to discriminate, against any such employee because such employee has received money due to him from the Defendants under the provisions of this judgment.

It is further ORDERED ADJUDGED AND DECREED that no costs are allowed.

Dated: 10-29-13, 2013.



U.S. DISTRICT COURT JUDGE

s/ Timothy J. Owens
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